

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
June 4, 2008

7:30 P.M.
Room 206 Town Hall

Chairman Hillman called the meeting to order at 7:35 P.M. Commission Members Present: Peter Hillman, Craig Flaherty, Ellen Kirby, Rick Rohr, Michael Tone, and Pete Kenyon (7:45).

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first agenda item:

EPC-13-2008, Alex Kaali-Nagy, 129 Five Mile River Road, proposing house construction and swimming pool construction, within an upland review area.

The Commission reviewed the draft approval and made revisions.

Mr. Hillman made a motion to approve the application. Mr. Tone seconded the motion and it passed 4-0. Mr. Flaherty abstained.

Mr. Hillman read the next agenda item:

EPC-14-2008, Foster Kaali-Nagy, 125 Five Mile River Road, proposing demolition of existing house, new house construction and swimming pool construction within an upland review area.
Mr. Hillman read the next agenda item:

The Commission reviewed the draft approval and made revisions.

Mr. Rohr made a motion to approve the application. Mr. Tone seconded the motion and it passed 4-0. Mr. Flaherty abstained.

Mr. Hillman called the agenda items that may require a public hearing:

EPC-32-2008, Ellen McCue 17 Top'O Hill Road, requesting after the fact approval to complete filling and stone wall construction within an upland review area.

Attorney Thomas O'Dea represented the applicant. He introduced Gregory Maroun from Steck's Nursery.

Mr. Hillman said he thought a public hearing would be necessary because of the potential impacts and a hearing would be in the public interest.

Mr. O'Dea submitted a stormwater report and provided a brief history of the activity on the site showing the original property survey, the Town wetland boundary, and the recent wetland survey.

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The Commission scheduled a public hearing for July 9.

Mr. Hillman read the next agenda item:

EPC-31-2008, Katherine Michele, 19 Stephanie Lane, proposing demolition of existing residence, construction of new dwelling and pool, and related site development within an upland review area.

Cory Walton, Landscape Architect, represented the applicant.

Mr. Hillman said he thought a public hearing would be necessary because of potential impacts and a hearing would be in the public interest.

Mr. Flaherty asked for test hole data on ground water levels. He asked the applicant to account for any sump pump discharge. Mr. Hillman requested information on the pool filter system.

The Commission scheduled the public hearing for July 9.

Mr. Hillman read the next agenda item:

EPC-33-2008, Shawn and Elizabeth Seale, 22 Leroy Avenue, requesting to dredge a portion of Stony Brook.

Richard Windels represented the applicant. He described the proposed dredging.

Mr. Kenyon asked if he had photos of the property after the last flood. Mr. Widels said he could provide them.

Mr. Hillman made a motion to approve the application. Mr. Kenyon seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-11-2006, Brook and Charles McIlvane, 57 Nearwater Lane, requesting an amendment to the permit for relocation of a generator.

Sean O'Kane, Architect represented the applicant. He said the generator was to be housed under a porch but the location does not meet the building code. He said the new location is within the upland review are but near the driveway in an area that is currently lawn.

Mr. Flaherty made a motion to approve the amendment. Mr. Kenyon seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-30-2008, Jeff and Kim Westcott, 2 Maywood Road, proposing drainage improvements within a regulated area.

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John Martucci, P.E. represented the applicant. He described the drainage problem on the property and the proposed conversion of a piped watercourse to an open channel.

Mr. Hillman asked about the extent of the proposed disturbance. Mr. Martucci said it would involve approximately 1000 square feet of area excavated with a small bobcat.

Mr. Hillman asked if they would provide a stabilization plan. Mr. Jacobson suggested a wetland seed mix with an erosion control blanket.

Mr. Tone asked how old the pipe is. Mr. Martucci estimated it was installed in the 1940's. Mr. Tone asked if would be necessary to remove the outlet structure. Mr. Martucci said they would convert it to a headwall.

Mr. Hillman asked for a construction sequence.

Mr. Flaherty asked about the condition of the wetland. Mr. Martucci said it is a wooded wetland. Mr. Flaherty said that opening a piped watercourse is a plus. He said there is a small concern with a trench too deep drying out the wetland. He requested a report from a soil scientist or wetland scientist.

Ms. Kirby asked if the trench would cause the wetland to flood more. Mr. Martucci said no because the trench would be wider to allow more flow through the system.

The Commission continued this item to July 9 to receive more information.

Mr. Hillman read the next agenda item:

EPC-29-2008, Stephen and Allison Gruppo, 10 Woods End Road, proposing an addition within an upland review area.

Tony Ciaraldi, contractor, represented the applicant. He said they are removing a shed and replacing it with a pool shed.

Mr. Hillman asked the closest point of the building to the wetland. Mr. Ciaraldi said 40 feet.

Mr. Flaherty asked about the size of the shed relative to the addition. Mr. Ciaraldi said the shed is 670 sq. feet vs. the 790 sq. ft. addition that is no closer to the wetland.

Mr. Rohr made a motion to approve the application. Mr. Tone seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-28-2008, John & Anne Burleigh, 2 Crooked Mile, proposing pool removal, new pool construction, and kitchen addition within a regulated area.

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Doug DiVesta, P.E. represented the applicant. He described the wetlands and the pond on the site. He said they are removing the pool and patio and building a new pool near the existing cottage. He said they are proposing plantings in an existing lawn area and no tree removal. He said the existing house has a crawl space and the new addition will also have a crawl space.

Mr. Hillman asked if they are proposing a diatomaceous earth pool filter system.

Mr. Rohr asked about the net difference in impervious surface area. Mr. DiVesta said there would be a net decrease of 1500 sq. ft. He said the roof drains are now directed to the pond. He said the test holes show shallow ground water. Mr. Rohr said he would prefer the runoff be filtered by flowing through the lawn area.

The Commission continued the application to June 18.

Mr. Hillman read the next agenda item:

EPC-49-2007, Middlesex Club, 20 Echo Drive, requesting amendment to permit to construct stone landscape wall.

No one was present for the applicant. The item was continued to June 18.

Mr. Hillman called the first public hearing items:

EPC-18-2008, Mitchell and Kerry Ross, 10 Nickerson Lane (Lot 10), proposing an amendment to the Inland Wetlands and Watercourses Map, house demolition, and re-grading within 100 feet of Holly Pond.

EPC-19-2008, Mitchell and Kerry Ross, 10 Nickerson Lane (Lot 11), proposing an amendment to the Inland Wetlands and Watercourses Map, house demolition, and new house construction within 100 feet of Holly Pond.

The public hearings were continued to June 18.

Mr. Hillman called the next public hearing item:

EPC-26, 2008, Darien YMCA, 2420 Boston Post Road, proposing a building addition within an upland review area.

The public hearing was continued to June 18.

Mr. Hillman called the next public hearing item:

EPC-10-2008, Gloria Gouveia, 25 Brookside Road, proposing a revision to an approved two lot subdivision to construct one new house within the upland review area.

Gloria Gouveia represented the applicant.

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Mr. Flaherty said he listened to the tapes of the previous hearing on this matter.

Mr. Hillman said the Commission received Larry Edwards letter clarifying the storage area. Ms. Gouveia said the differences in the areas resulted from using a more conservative void ratio.

Ms. Gouveia said she requested more information from the modular company on cranes. She said they use a variety of crane sizes to suit different conditions. She said that the 30 foot area in front of the house is adequate for the crane. She said there are six trees proposed to be removed. They will preserve the Dogwood on the other lot.

Mr. Hillman said Kate Throckmorton's report contains a comparison of the mitigation proposals for the two alternatives.

Mr. Flaherty said he still has reservations about placing the house closer to the river.

Ms. Kirby asked about the patio for the existing house. Ms. Gouveia said it has been there for a long time and the bricks have recently been cleaned. She said it is not a new activity and it is now shown on the plan. She said the leaf piles will be removed by hand. She said additional viburnums have been added to the plan.

Mr. Hillman opened the meeting for public comment. There were no members of the public who wished to speak. He made a motion to close the public hearing. Mr. Kenyon seconded the motion and it passed unanimously.

Mr. Hillman called the next public hearing item:

EPC-21-2008, James Hines, 10 Libby Lane (representing Archibald Russell), proposing house demolition and construction of a new house within an upland review area.

James Hines represented the applicant. He said they are proposing a new residence and have provided a drainage design.

Wayne D'Avanzo, P.E., Grumman Engineering described the infiltration system. He said they found mottling in the test holes at 50 inches in the front of the house and 13-14 inches in the rear.

Mr. Hines said there would be a six month period with two houses on the lot if ZBA grants their variance. Mr. Hillman said he would like to wait until ZBA makes their decision.

Mr. D'Avanzo described the proposed drainage system as 18" pre-cast units at least 18" above groundwater with an overflow discharge. Mr. Hillman asked about the location of the sump pump discharge. Mr. D'Avanzo said the discharge will be to the overflow discharge point of the galleries.

Mr. Hillman opened the meeting to public comment. He noted for the record a letter from Cheryl Russell, 17 Holly Lane was received by the Commission members.

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Mr. Flaherty asked them to quantify and estimate the discharge from the sump pump and include it in the drainage model. He asked them to consider moving the house 10 feet farther from the wetland. Mr. Hines said that might not work with the driveway but they will look at it.

Ms. Kirby asked if they were removing trees. Mr. Hines said one tree would be removed.

Mr. Kenyon asked if they have considered grass pavers for the driveway. Mr. Hines said the existing driveway is asphalt but he will discuss it with the owners.

Mr. Tone asked the engineer to confirm that there will be no cumulative adverse impacts on the wetlands or worsening of flooding downstream at Holly Lane.

Mr. Rohr asked them to revise the storm drain outlet detail to include fabric under and on the sides of the trap rock.

Mr. Flaherty asked them to provide a sediment trap of some type in the gallery system.

The Commission continued the public hearing to July 9.

Mr. Hillman called the next public hearing item:

EPC-25-2008, Patrick and Jennifer Robinson, 88 Nearwater Lane, proposing house demolition and new house construction within an upland review area.

Other Business:

Attorney Wilder Gleason represented the applicant. He described the existing site conditions. He said the current house is on a septic system. He provided photos of the property.

Mr. Hillman asked if it would be feasible to add on to the existing house. Mr. Gleason said they would like to modernize and expand. Mr. Hillman asked if the new house would be connected to the sanitary sewer. Mr. Gleason said yes.

Mr. Hillman said the Commission's jurisdiction is limited to the area within 50 feet of the inland wetlands on the site. Mr. Gleason said the only regulated activities in that area is the garage and some minor filling and grading.

Don Ferlow, Stearns & Wheler, said the filling required will be 30 feet from the wetland and will involve one foot or less of fill. He said they have provided a revised pool plan. Mr. Gleason said the pool will have a diatomaceous earth filter.

Mr. Flaherty asked if they have a planting plan. Mr. Ferlow said not at this time, the area is fairly wooded.

Mr. Tone asked if there would be any discharges to a regulated area. Todd Ritchie said there is an existing catch basin in the low point of the driveway which will not change.

Mr. Ferlow said they are investigating their option for Phragmites removal on the site.

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Mr. Hillman opened the meeting for public comment. There were no members of the public who wished to speak. Mr. Flaherty made a motion to close the public hearing. Mr. Rohr seconded the motion and it passed unanimously.

The Commission proceeded to deliberate on the application. Mr. Hillman noted the connection to the septic system, the use of the diatomaceous filter for the pool, and the re-use of the existing septic system for water quality treatment as positive aspects of the application.

Staff was requested to draft a resolution of approval noting the limit of jurisdiction to within 50 feet of the inland wetland area.

Mr. Hillman called the next public hearing item:

EPC-24-2008, William and Rose-Marie Shanahan, 58 Sunswyck Road, proposing driveway construction within a regulated area.

Attorney Wilder Gleason represented the applicant. He described the problems with the existing driveway and the proposal to straighten it. He said there are two trees to be removed, a Pine and a Dogwood. He said the driveway has been designed to protect the Sweet Gum trees. He said they revised the stone wall to be 3½ feet tall from 4 feet after discussions with neighbors. He said they included a drain in the revised plan to address concerns of Mr. Varney, the neighbor across the street.

Mr. Hillman asked what they were doing to protect the Sweet Gum trees. Mr. Gleason said that to minimize grading they would use a special system of footings and a bridge to avoid impact to the roots.

Mr. Tone asked what the surface of the driveway will be. Mr. Gleason said it is currently old macadam. They will use a new pervious pavement. He said the application involves 431 sq. ft. of filling in the wetland and 816 sq. ft. in the upland review area.

Don Ferlow described the mitigation aspects of the plan. He described the fill system to avoid tree roots. He provided revised detail sheets and a revised planting plan.

Mr. Gleason discussed the Fire Marshall's letter regarding access to the site.

Mr. Hillman opened the hearing for public comment.

Frank Penn, 46 Sunswyck Road said he was concerned with the aesthetics of the stone wall. He said he did not think the bridge was necessary. He said he did not think there would be a significant change to the wetland.

Michael LeMoult, Sunswyck Road spoke and agreed with Mr. Penn.

The Commission discussed stone walls and decided to include a recommendation to the Planning and Zoning Commission regarding the appearance of the wall.

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Mr. Tone made a motion to close the public hearing. Mr. Flaherty seconded the motion and it passed unanimously.

The Commission proceeded to deliberate.

Mr. Hillman said he was ok with the driveway relocation based on the Fire Marshal's opinion and no significant impact. He said the mitigation plan was good.

Mr. Flaherty said he was persuaded by the record and the mitigation plan to be in favor of the application.

Mr. Tone said the mitigation plan was well designed and presented.

Staff was requested to draft a resolution to approve the application.

Other Business:

The Commission noted the receipt of an application for an affordable housing project at 26 Oak Crest Road. The application will be on the June 18 agenda for discussion of the public hearing schedule.

The Commission held over the following items for another meeting:

Discussion and possible adoption of: "ENVIRONMENTAL PROTECTION COMMISSION
FLOOD AND EROSION REGULATIONS"

Planning and Zoning Referrals:

Mr. Flaherty made a motion to adjourn. Ms. Kirby seconded the motion and it passed unanimously. The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer